

definition of “commerce” by making it applicable to any activity affecting interstate commerce.

Subsec. (d). Pub. L. 94-279, §3(1), substituted definition of “State” for definition of “affecting commerce”.

Subsec. (e). Pub. L. 94-279, §3(2), substituted “in commerce” for “affecting commerce”.

Subsec. (f). Pub. L. 94-279, §3(2), (3), made changes in phraseology, restructured subsection and expanded definition of “dealer” to include persons who negotiate the purchase or sale of protected animals.

Subsec. (g). Pub. L. 94-279, §3(4), expanded definition of “animal” to include dogs used for hunting, security, or breeding purposes.

Subsecs. (i), (j). Pub. L. 94-279, §4, added subsecs. (i) and (j).

1970—Subsec. (b). Pub. L. 91-579, §3(1), inserted “of the United States or his representative who shall be an employee of the United States Department of Agriculture” after “Secretary of Agriculture”.

Subsec. (c). Pub. L. 91-579, §3(2), substituted “trade, traffic, commerce, transportation among the several States, or between any State” for “commerce between any State”.

Subsec. (d). Pub. L. 91-579, §3(3), substituted definition of “affecting commerce” for definition of “dog”.

Subsec. (e). Pub. L. 91-579, §3(3), struck out definition of “cat” and substituted for it a definition of “research facility” formerly set out in subsec. (f), and, in such definition as transferred from former subsec. (f), extended the term’s meaning to include those using “animals” rather than only dogs and cats and allowed exemptions of schools, organizations, institutions, or persons which do not use live dogs or cats, with such exemption to be inapplicable in the case of schools, organizations, institutions, and persons in biomedical research using a substantial number of live animals.

Subsec. (f). Pub. L. 91-579, §3(3), substituted definition of “dealer” formerly contained in subsec. (g) for definition of “research facility” and in such definition of “dealer” as thus transferred inserted provisions extending meaning to include live or dead animals rather than only dogs and cats, adding teaching and exhibition purposes or uses as pets, and exempting retail pet stores unless such stores sell animals to a research facility, an exhibitor, or a dealer. Definition of “research facility” transferred to subsec. (e) and amended.

Subsec. (g). Pub. L. 91-579, §3(3), substituted definition of “animal” formerly contained in subsec. (h) for definition of “dealer” and in such definition of “animal” as thus transferred inserted stipulation “live or dead” to the species already covered, and inserted provisions to include such warm-blooded animals as may be determined by the Secretary but to exclude specific animals used for research, food and fiber, and the improvement of animal breeding, nutrition, management, or production efficiency. Definition of “dealer” transferred to subsec. (f) and amended.

Subsec. (h). Pub. L. 91-579, §3(3), substituted definition of “exhibitor” for definition of “animal”. Definition of “animal” transferred to subsec. (g) and amended.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99-198, set out as a note under section 2131 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

REPORT ON RATS, MICE, AND BIRDS

Pub. L. 107-171, title X, §10304, May 13, 2002, 116 Stat. 492, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [May 13, 2002], the National Research Council shall submit to the Committee on Agriculture of the House of Representatives and the

Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the implications of including rats, mice, and birds within the definition of animal under the regulations promulgated under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

“(b) REQUIREMENTS.—The report under subsection (a) shall—

“(1) be completed with input, consultation, and recommendations from—

“(A) the Secretary of Agriculture;

“(B) the Secretary of Health and Human Services; and

“(C) the Institute for Animal Laboratory Research within the National Academy of Sciences;

“(2) contain an estimate of—

“(A) the number and types of entities that use rats, mice, and birds for research purposes; and

“(B) which of the entities—

“(i) are subject to regulations of the Department of Agriculture;

“(ii) are subject to regulations or guidelines of the Department of Health and Human Services; or

“(iii) voluntarily comply with the accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care;

“(3) contain an estimate of the numbers of rats, mice, and birds used in research facilities, with an indication of which of the facilities—

“(A) are subject to regulations of the Department of Agriculture;

“(B) are subject to regulations or guidelines of the Department of Health and Human Services; or

“(C) voluntarily comply with the accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care;

“(4) contain an estimate of the additional costs likely to be incurred by breeders and research facilities resulting from the additional regulatory requirements needed in order to afford the same level of protection to rats, mice, and birds as is provided for species regulated by the Department of Agriculture, detailing the costs associated with individual regulatory requirements;

“(5) contain recommendations for minimizing such costs, including—

“(A) an estimate of the cost savings that would result from providing a different level of protection to rats, mice, and birds than is provided for species regulated by the Department of Agriculture; and

“(B) an estimate of the cost savings that would result if new regulatory requirements were substantially equivalent to, and harmonized with, guidelines of the National Institutes of Health;

“(6) contain an estimate of the additional funding that the Animal and Plant Health Inspection Service would require to be able to ensure that the level of compliance with respect to other regulated animals is not diminished by the increase in the number of facilities that would require inspections if a rule extending the regulatory definition of animal to rats, mice, and birds were to become effective; and

“(7) contain recommendations for—

“(A) minimizing the regulatory burden on facilities subject to—

“(i) regulations of the Department of Agriculture;

“(ii) regulations or guidelines of the Department of Health and Human Services; or

“(iii) accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care; and

“(B) preventing any duplication of regulatory requirements.”

§ 2133. Licensing of dealers and exhibitors

The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to 2153

of this title: *Provided*, That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 2143 of this title: *Provided, however*, That any retail pet store or other person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer or exhibitor under this chapter. The Secretary is further authorized to license, as dealers or exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this chapter upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this chapter and the regulations promulgated by the Secretary hereunder.

(Pub. L. 89-544, § 3, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 4, Dec. 24, 1970, 84 Stat. 1561.)

AMENDMENTS

1970—Pub. L. 91-579 inserted references to exhibitors and retail pet stores.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2136, 2137, 2138, 2139 of this title.

§ 2134. Valid license for dealers and exhibitors required

No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, in commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce, to or from another dealer or exhibitor under this chapter any animals, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

(Pub. L. 89-544, § 4, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 5, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 94-279, § 5, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94-279 substituted "in commerce" for "affecting commerce" in two places.

1970—Pub. L. 91-579 inserted references to exhibitors, offers to sell, and offers to transport, and substituted references to animals for references to dogs and cats.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2135. Time period for disposal of dogs or cats by dealers or exhibitors

No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such ani-

mal or within such other period as may be specified by the Secretary: *Provided*, That operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

(Pub. L. 89-544, § 5, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 6, Dec. 24, 1970, 84 Stat. 1561.)

AMENDMENTS

1970—Pub. L. 91-579 inserted references to exhibitors and inserted proviso that operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2136. Registration of research facilities, handlers, carriers and unlicensed exhibitors

Every research facility, every intermediate handler, every carrier, and every exhibitor not licensed under section 2133 of this title shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

(Pub. L. 89-544, § 6, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 7, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 94-279, § 6, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94-279 inserted "every intermediate handler, every carrier," after "research facility".

1970—Pub. L. 91-579 inserted reference to exhibitors not licensed under section 2133 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2137. Purchase of dogs or cats by research facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

It shall be unlawful for any research facility to purchase any dog or cat from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless such person is exempted from obtaining such license under section 2133 of this title.

(Pub. L. 89-544, § 7, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 8, Dec. 24, 1970, 84 Stat. 1561.)

AMENDMENTS

1970—Pub. L. 91-579 added licensed exhibitors and operators of auction sales subject to section 2142 of this title to the enumeration of persons from whom research facilities may purchase dogs or cats.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2138. Purchase of dogs or cats by United States Government facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

No department, agency, or instrumentality of the United States which uses animals for re-